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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO. 94247; 58898/130

In re patent application of

David J. BOVA

U.S. Serial No. 08/368,378

Filed: January 14, 1995

For: NICOTINIC ACID COMPOSITIONS FOR TREATING HYPERLIPIDEMIA AND
RELATED METHODS THEREOF

RECEIVED

MAY 29 1996 Group Art Unit: 1502

GROUP 1500 Examiner: J. Venkat

REQUEST FOR RECONSIDERATION UNDER 37 CFR §1.116

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the advisory action, dated April 19, 1996, the period for response having been extended by the accompanying petition for extension of time and fee, applicant requests that the PTO reconsider the claims in view of the following remarks.

REMARKS

Claims 1-9 and 13 are pending in the present application.

1. The "Twice Daily" Regimen of Evenstad et al. Fails to Suggest the Method of O'Neill et al.

In the response of March 27, 1996, applicant addressed the pending rejection of claims 1-9 under 35 USC §102(e), which the examiner supported with O'Neill et al., U.S. patent No. 5,268,181 (1993). Following the suggestions of the examiner, applicant submitted a second Rule 131 declaration evidencing that the presently claimed invention was conceived and reduced to practice in the United States prior to June 29, 1992, the filing date of the O'Neill patent.